

**COUNTY COUNCIL**

**OF**

**HARFORD COUNTY, MARYLAND**

**BILL NO. 06-45**

Introduced by Council President Boniface at the request of the County Executive

Legislative Session Day No. 06-30

Date: December 19, 2006

**AN EMERGENCY BILL** to provide the County Executive with the authorization to execute, on behalf of Harford County, Maryland (the "County"), one or more equipment lease/purchase agreements to be executed through the competitive bid process and approved by the County Council of Harford County, Maryland (the "County Council"), for the financing and acquisition of certain necessary and essential equipment, including vehicles, backhoes, graders, bulldozers, trucks for use by the Solid Waste Division, The Highway Division, and the Water and Sewer Division of the Department of Public Works and also for the general purposes of the County, all as found on pages 7, 8, 17 and 23 of the Budget Books maintained by the Director of

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: January 16, 2007

at: 7:45 p.m.

By Order: Barbara J. O'Connor, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 16, 2007, and concluded on January 16, 2007.

Barbara J. O'Connor Council Administrator

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

**COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND**

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Legislative Session Day No. 06-30

Date: December 19, 2006

**Administration for the year ending June 30, 2007, and in Bill No. 06-10, As Amended, The Annual Budget and Appropriation Ordinance of Harford County, Maryland, adopted by the County Council on May 16, 2006, approved by the County Executive on May 22, 2006, effective July 1, 2006 (the "Annual Budget and Appropriation Ordinance"). Providing that the aggregate principal amount of such financing shall not exceed Six Million Eight Hundred Sixty-Six Thousand Five Hundred Eight Dollars (\$6,866,508) providing that the property and equipment to be acquired may be obtained through one or more of competitive bids and one or more lease purchase agreements which may include one or more of the series of equipment hereinafter**

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: January 16, 2007

at: 7:45 p.m.

By Order: \_\_\_\_\_, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

\_\_\_\_\_, Council Administrator

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described in this Bill; providing that the County Council may adopt a Resolution or Resolutions that shall provide for additional details incident to the financing and acquisition of such equipment, to effect the lease purchase acquisition of certain equipment and/or tangible or intangible personal property as set forth in the Annual Budget and Appropriation Ordinance; providing that upon the recommendation of the County Executive and with the approval of the County Council by Resolution, the list of equipment and services to be acquired may be revised and amended and other necessary and essential equipment and services in the Annual Budget and Appropriations Ordinance may be substituted therefor; and provided further, that the County's obligation to make payments under any lease/purchase agreement entered into for the acquisition of the such equipment, to be funded

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: January 16, 2007

at: 7:45 p.m.

By Order: \_\_\_\_\_, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

\_\_\_\_\_, Council Administrator

**EXPLANATION:**

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through the Annual Budget and Appropriations Ordinance, and all other obligations of the County in connection with the financing and acquisition of such equipment, shall upon approving resolution of the County Council be issued upon the full faith and credit and unlimited taxing power of the County; unless the County Council, upon recommendation of the County Executive, by Resolution, provides that the lease purchase obligations should be subject to annual appropriation by the County Council and shall not constitute debt of the County nor in any way constitute a pledge of the general tax revenues, funds, or moneys of the County; and generally providing for and determining various matters in connection with the financing and acquisition of such equipment, and declaring the matters described in this Bill to be of an emergency nature affecting the health, safety and welfare of the citizens of Harford County, Maryland.

By the Council,

Introduced, read first time, ordered posted and public hearing scheduled

on: January 16, 2007

at: 7:45 p.m.

By Order: \_\_\_\_\_, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

\_\_\_\_\_, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1  
2 WHEREAS, the County Executive proposes that the County enter into a lease/purchase  
3 agreement or agreements (the "Leases"), through the competitive bid process, for the financing  
4 and acquisition of certain equipment and/or tangible or intangible personal property as provided  
5 in the Annual Budget and Appropriation Ordinance (hereinafter described), such financing to be  
6 in an aggregate principal amount not to exceed Six Million Eight Hundred Sixty-Six Thousand  
7 Five Hundred Eight Dollars (\$6,866,508); and

8 WHEREAS, the County Executive proposes that he and such other County officials as he  
9 may require be given the authority to execute the Lease(s) and such other documentation as shall  
10 be necessary to effect the financing and acquisition of such equipment and/or tangible or  
11 intangible personal property on behalf of the County; and

12 WHEREAS, certain details of the Lease(s) and additional details incident to the financing  
13 and acquisition of such equipment and/or tangible or intangible personal property shall be  
14 approved by a Resolution of the County Council; and

15 WHEREAS, the County Executive proposes that upon his recommendation and with the  
16 approval of the County Council, by Resolution, the County purchase such equipment and/or  
17 tangible or intangible personal property pursuant to a lease finance agreement or agreements; and

18 WHEREAS, Sections 520 and 524 of the Charter of the County require that all  
19 agreements and payments thereunder which would extend beyond the current fiscal year be  
20 authorized by legislative act.

21 NOW, THEREFORE:

22 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD  
23 COUNTY, MARYLAND that the County Executive be, and he and such other County officials  
24 as he may require are, hereby authorized to execute on behalf of the County the Lease(s) and  
25 such other documentation as the County Executive shall determine to be necessary to provide for

1 payment by the County of Lease payments in an aggregate principal amount not to exceed Six  
2 Million Eight Hundred Sixty-Six Thousand Five Hundred Eight Dollars (\$6,866,508) to effect  
3 the Lease Purchase Acquisition of certain equipment and/or tangible or intangible personal  
4 property as set forth in The Annual Budget and Appropriation Ordinance and described in  
5 Exhibit A attached hereto. as follows:

6 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
7 HARFORD COUNTY, MARYLAND that the Lease(s) shall provide for the financing and  
8 acquisition of such equipment and/or tangible or intangible personal property, as more fully  
9 described in Section 1 of this Act and incorporated herein by reference, to be used in connection  
10 with the operations of the County, including the Solid Waste Division, the Highway Division,  
11 and the Water and Sewer Division of the Department of Public Works. The cost of the  
12 acquisition of such equipment and/or tangible or intangible personal property shall not exceed  
13 Six Million Eight Hundred Sixty-Six Thousand Five Hundred Eight Dollars (\$6,866,508), plus  
14 the lease purchase finance cost as may be appropriated by the County Council in The Annual  
15 Budget and Appropriation Ordinance in each year.

16 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
17 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive  
18 with the approval of the County Council by Resolution and subject to the Annual Budget and  
19 Appropriation Ordinance, the equipment and tangible and intangible property as approved by this  
20 Act may be revised and amended and other necessary and essential equipment and/or tangible or  
21 intangible personal property may be substituted therefor.

22 SECTION 4. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
23 HARFORD COUNTY, MARYLAND that the identity of the successful bidder to provide the  
24 financing for the equipment and/or tangible or intangible personal property shall be determined  
25 by competitive bids conducted by the Department of the Treasury.

1        SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
2 HARFORD COUNTY, MARYLAND that certain details of the lease/purchase financing  
3 evidenced by the Lease(s) (including, but not limited to, the successful bidder) shall be approved  
4 by the County Council by Resolution.

5        SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
6 HARFORD COUNTY, MARYLAND that any Lease payments under the Leases shall be a full  
7 faith and credit obligation of the County and the unlimited taxing power of County is pledged to  
8 such payments, unless the County, upon approval by Resolution of the County Council,  
9 determines that the lease payments shall be subject to annual appropriation by the County  
10 Council and shall not constitute a current expense of the County, shall not be construed as a debt  
11 of the County, nor shall the County's obligation to make such Lease payments in any way  
12 constitute a pledge of the full faith and credit, general tax revenues, funds or moneys of the  
13 County.

14        SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
15 HARFORD COUNTY, MARYLAND that the equipment and/or tangible and intangible personal  
16 property described in Section 1 may be acquired pursuant to one or more lease finance  
17 agreements to be executed by the County Executive of the County.

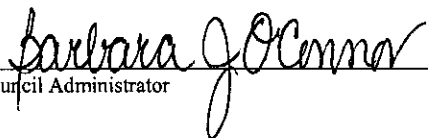
18        SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
19 HARFORD COUNTY, MARYLAND that, upon the recommendation of the County Executive  
20 and with the approval of the County Council by Resolution, the County may purchase all or a  
21 portion of such equipment and/or tangible or intangible personal property.

22        SECTION 9. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
23 HARFORD COUNTY, MARYLAND, that the issuance of Harford County Lease Purchase  
24 Obligations in an amount not to exceed \$6,866,508, is hereby declared to be of an emergency  
25 measure affecting the health, safety and welfare of the citizens of Harford County, Maryland, and

1 it is in the best interests of the County to issue and sell the foregoing Lease Purchase Obligations  
2 as soon as possible at the same time that the Lease Purchase Obligations of the County as  
3 authorized in Bill No. 06-29, enacted by the County Council on September 5, 2006, thereby  
4 achieving a savings of the cost of issuance to the County.

5 SECTION 10. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
6 HARFORD COUNTY, MARYLAND that this Act shall take effect on the date it becomes law.  
7 EFFECTIVE: January 18, 2007

The Council Administrator of the Council does hereby  
certify that fifteen (15) copies of this Bill are immediately  
available for distribution to the public and the press.

  
Council Administrator



HARFORD COUNTY BILL NO. 06-45

Brief Title Lease Purchase Agreement

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. O'Connor  
Council Administrator

Date January 16, 2007

**ENROLLED**

Billy Bonfance  
Council President

Date January 16, 2007

**BY THE COUNCIL**

Read the third time.

Passed: LSD 07-03

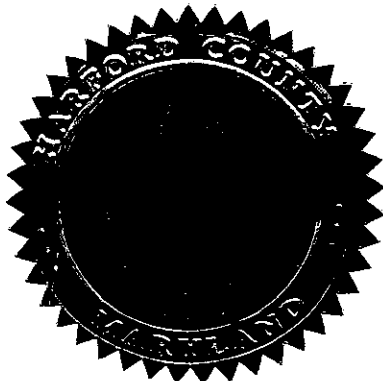
Failed of Passage: \_\_\_\_\_

By Order

Barbara J. O'Connor  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 17<sup>th</sup> day of January, 2007 at 3:00 p.m.

Barbara J. O'Connor  
Council Administrator



**BY THE EXECUTIVE**

David R. Craig  
COUNTY EXECUTIVE

APPROVED: Date January 18, 2007

**BY THE COUNCIL**

This Bill No. 06-45 having been approved by the Executive and returned to the Council, becomes law on January 18, 2007.

EFFECTIVE DATE: January 18, 2007

Barbara J. O'Connor  
Barbara J. O'Connor, Council Administrator

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**EXHIBIT A**

Property Subject to Lease Purchase Obligations.

1  
2  
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